

### REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claims 1-9 have been canceled in favor of new claims 10-13. Support for the subject matter defined by claims 10-13 is provided in the original claims. The new claims have been drafted to avoid the issues underlying the objections to claims 8 and 9.

Claims 1-9 were rejected, under 35 USC §102(b), as being anticipated by Robins et al. (US 5,049,873). Claims 1-9 were also rejected, under 35 USC §102(e), as being anticipated by Kadansky et al. (US 6,507,562). Claims 1-9 were further rejected, under 35 USC §102(a), as being anticipated by Zink et al. (IEEE article). Claims 1 and 5 were rejected, under 35 USC §102(b), as being anticipated by Takeshi et al. (JP 10-112884). To the extent these rejections may be deemed applicable to new claims 10-13, the Applicants respectfully traverse based on the following points.

#### Rejections Based on Robins

The Applicants respectfully submit that Robins fails to disclose the features recited in new claim 10 of: (1) transmitting a session close notice packet containing an

indication of a calculated session continuation time and a communication session closing, (2) retransmitting, during a communication session, an errantly received packet in response to a retransmission request issued by a destination device, (3) after the session close notice packet is transmitted, retransmitting only packets that are determined to be missing at the destination before the session close notice packet is received at the destination, and (4) closing the communication session once the calculated session continuation time expires after the transmission of the session close notice packet.

The Applicants respectfully submit that Robins also fails to disclose the features recited in claim 11 of: (1) receiving a session close notice packet that includes an indication of a session continuation time, (2) issuing, during a retransmission communication session, a retransmission request for a packet lost in communication, (3) after the session close notice packet is received, issuing a retransmission request only for packets that are determined to be missing before the session close notice packet is received and (4) closing the retransmission communication session when a calculated communication round trip time exceeds the remaining part of the session continuation time indicated in the received session close notice packet.

Although Robins may disclose a retransmission scheme and closing a communication session, Robins' close session message contains a packet sequence number (see Robins Fig. 12). Robins does not disclose a session close notice packet that contains a session continuation time indication, as recited in claims 10 and 11.

Regarding the retransmission scheme, Robins mentions that when an EVA does not receive a response from an EVAPE during a PktTime, the EVA will retransmit a NxtPktMsg up to two times, without incrementing a PktSeqNbr. In other words, during the PktTime, a retransmission can be executed no more than two times before a close session message is transmitted and the communication session is closed. Robins does not disclose executing different retransmission operations before and after a session close notice packet is transmitted. More specifically, Robins does not disclose, *inter alia*, the feature wherein: "after the session close notice packet is transmitted, the retransmitting component retransmits only packets that are determined to be missing at the destination before the session close notice packet is received at the destination," as defined in claim 10. Nor does Robins disclose, *inter alia*, the feature wherein: "after the session close notice packet is received, the retransmission requesting component issues the retransmission

request only for packets that are determined to be missing before the session close notice packet is received," as recited in claim 11.

Accordingly, the Applicants respectfully submit that Robins does not anticipate the subject matter defined by claims 10 and 11. Claims 12 and 13 similarly recite the respective features of apparatus claims 10 and 11, but with respect to methods. Therefore, in light of the foregoing, allowance of claims 10-13 over Robins is warranted.

#### Rejections Based on Kadansky

Kadansky discloses a system forming a tree comprised of (1) a sender and (2) a repair group having a receiver that receives data transmitted from the sender and a repair head. Data transmitted from the sender to the receiver is held in the repair head, and the repair head retransmits the data in response to a retransmission request from the receiver. In a frame or message, information related to time (more specifically, a Time To Live (TTL) indication) is stored in the header of the frame or message and transmitted. TTL, however, refers to information for use in determining the distance between the repair head and the

receiver, and bears no relationship to closing a communication session.

Hence, the Applicants respectfully submit that claims 10-13 distinguish over Kadansky's disclosure for reasons similar to those discussed above in connection with Robins' disclosure. Specifically, the Applicants respectfully submit that Kadansky fails to disclose the features recited in claim 10 of: (1) transmitting a session close notice packet containing an indication of a calculated session continuation time, (2) retransmitting, during a communication session, an errantly received packet in response to a retransmission request issued by a destination device, (3) after the session close notice packet is transmitted, retransmitting only packets that are determined to be missing at the destination before the session close notice packet is received at the destination, and (4) closing the communication session once the calculated session continuation time expires after the transmission of the session close notice packet. The Applicants respectfully submit that Kadansky also fails to disclose the features recited in claim 11 of: (1) receiving a session close notice packet that includes an indication of a session continuation time, (2) issuing, during a retransmission communication session, a retransmission request for a packet lost in communication, (3) after the session close

notice packet is received, issuing a retransmission request only for packets that are determined to be missing before the session close notice packet is received and (4) closing the retransmission communication session when a calculated communication round trip time exceeds the remaining part of the session continuation time indicated in the received session close notice packet.

Accordingly, the Applicants submit that Kadansky does not anticipate the subject matter defined by claims 10 and 11. Claims 12 and 13 similarly recites the respective features of apparatus claims 10 and 11, but with respect to methods. Therefore, in light of the foregoing, the Applicants respectfully submit that allowance of claims 10-13 over Kadansky is warranted.

#### Rejections Based on Zink

The Applicants respectfully submit that Zink fails to disclose the feature recited in claims 10-13 of indicating a session continuation time in a session close notice packet and that Zink also fails to disclose the feature recited in claims 10 and 12 of retransmitting lost packets along with initially transmitted packets.

Zink discloses that a server, when closing a communication session, sends an end packet to a receiver and waits some

multiple of the communication round trip time before closing the session, thereby providing the receiver time to request the retransmission of lost packets. Zink further discloses transmitting a loss list, which is a list of missing packets, from the receiver to the sender after the initial transmission of packets ends.

Zink, therefore, does not disclose retransmitting lost packets before the session close notice packet is transmitted. As a result, it necessarily follows that Zinc does not disclose retransmitting lost packets along with packets being initially transmitted, as recited in claims 10 and 12.

Zink also does not disclose providing an indication of a session continuation time in a session close notice packet that is communicated between a transmitter and a receiver, as recited in claims 10-13.

Zink also lacks any teaching of the subject matter noted above in distinguishing the claims over Robins and Kadansky.

In accordance with the above discussion, the Applicants submit that Zinc does not anticipate the subject matter defined by claims 10-13. Therefore, the Applicants respectfully submit that allowance of claims 10-13 over Zinc's disclosure is warranted.

### Rejections Based on Takeshi

Takeshi appears to disclose a transmitter that generates a link close command, transmits a link close request to a receiver, and finishes a transmission after a predetermined period of time has passed since the transmission of the link close request. Takeshi also appears to disclose storing a round trip delay as a parameter for use in retransmission control.

However, the Applicants respectfully submit that Takeshi does not disclose retransmitting lost packets along with packets being initially transmitted, as recited in claims 10 and 12, and that Takeshi also does not disclose providing an indication of a session continuation time in a session close notice packet that is communicated between a transmitter and a receiver, as recited in claims 10-13.

Takeshi also lacks any teaching of the subject matter noted above in distinguishing the claims over Robins and Kadansky.

Accordingly, the Applicants respectfully submit that Takeshi does not anticipate the subject matter defined by claims 10-13. Therefore, allowance of claims 10-13 is warranted.

In view of the above, the Applicants respectfully submit that this application is in condition for allowance, and a notice to that effect is respectfully solicited.



If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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